

### **REMARKS**

Claims 1-13 remain pending in the application. Claims 1-4, 6-11 and 13 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication No. 2004/0068797 to Smith et al. in view of U.S. Patent No. 6,361, 117 to Tate. Claim 5 stands rejected under 35 U.S.C. §103(a) over Smith '797 and Tate '117 in further view of U.S. Patent No. 4,516,805 to Leeper et al. Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Smith '797 and Tate '117 in further view of U.S. Patent No. 6,880,189 to Welling et al. As noted in the Office Action, Smith '797 qualifies as prior art only under 35 U.S.C. §102(e).

### **Statement of Common Ownership**

Owners hereby assert that, at the time the present invention was made, U.S. Patent Application No. 10/269,347 (U.S. Patent Publication No. 2004/0068797) to Smith et al. was owned by, or subject to an obligation of assignment to, Midmark Corporation, the Assignee of the present invention. Smith '797 is therefore an improper reference under 35 U.S.C. §103(c). Accordingly, Applicants respectfully request that the rejections of claims 1-13 under 35 U.S.C. §103(a) be withdrawn.

### **Objections to the Drawings**

The drawings were objected to with respect to the recitation of "actuating mechanism" in claim 1. FIG. 1 of the drawings has now been amended to depict the actuating mechanism recited in the claims. The Specification has also been amended to include a reference numeral corresponding to the actuating mechanism. A marked

up version of FIG. 1 and a corrected formal drawing are submitted herewith for the Examiner's review and approval. Pending the Examiner's approval, Applicants respectfully request that the objections to the drawings be withdrawn.

**Conclusion**

In view of the foregoing remarks, Applicants believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any issue requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants are of the opinion that no additional fee is due as a result of this amendment. If any charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

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